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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,434	01/12/2001	Kiyomi Tamagawa	Q62617	8546

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EXAMINER

NGUYEN, MADELEINE ANH VINH

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 08/11/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/758,434

Applicant(s)

TAMAGAWA, KIYOMI

Examiner

Madeleine AV Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. What is “constituting the color association definition” (line 5), what are “more than the number to pairs of the mutually associated first color data and the smoothed second color data” (lines 14-15), what is “constituting the new color association definition” (lines 16-17)?
3. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. What is “constituting the color association definition” (line 17), what are “equal in number to pairs of the mutually associated first color data and the second color data” (lines 18-19), what is “constituting the finally produced profile” (lines 20-21)?
4. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. What are “equal in number to pairs of the mutually associated first color data and the second color data” (lines 9-10), what is “constituting the finally produced profile” (line 10). What is “constituting the color association ...” (lines 16-17)?
5. The same with claims 9, 10, 11.

Clarification is needed.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1- are rejected under 35 U.S.C. 103(a) as being unpatentable over Rozzi (US Patent No. 6,072,589).

Concerning claims 1 and 8, Rozzi discloses a profile producing method and apparatus of producing a profile representative of an association between a first color data representative of coordinates on a device-dependence color space (RGB) dependent on a device mediating between image data including color data and a color image, and a second color data representative of coordinates on a common color space independent devices (XYZ), said profile producing method and apparatus comprising a color association definition obtaining step or means of obtaining color association definition defining an association between the first color data and the second color data (16, 10, Fig.1; Fig.3A); a profile producing step or means of producing a profile defining an association between the first color data and smoothed second color data via a smoothing step (10, 18, Fig.1; Fig.3B).

Rozzi does not directly teach that the smoothing of the second color data representative of coordinates on the common color space (XYZ) to the first color data (RGB). However, Rozzi teaches a smoothing filter which smooth the render table 20 which is a second table of converting RGB color space values to XYZ color space values (col. 7, lines 45-61; col. 11, lines 15-32). It would have been obvious to one skilled in the art at the time the invention was made

to consider the smoothing means or step in Rozzi teaches the smoothing of the second color data (XYZ) to the first color data (RGB) since the rendering table is the inverted conversion of the first table which converts the independent color space XYZ to the dependent color RGB.

Concerning claims 2-7, 9-15, Rozzi further teaches that the color association definition obtaining step comprises a color chart producing step of causing an output device (14) to output a color chart composed of a plurality of color patches, a color chart colorimetry step or means (spectrophotometer or calorimeter) of measuring a plurality of color patches to determine the second color data (col. 4, lines 66 – col. 5, line 25), (claim 2); a smoothing step or means (smoothing filter 120, Fig.3B) of smoothing the second color data to determine a new color association definition defining an association between the first color data and smoothed second color data, a profile construction step of constructing a profile in accordance with the new color association (Fig. 3B; col. 7, lines 30-61), (claims 3, 9); a color association definition reconstruction step or means of producing new color association definition consisting of pairs of the first color data and the second color data, a smoothing step of smoothing the second color data to the first color data (Fig. 3B; col. 7, line 45 – col. 8, line 14), (claims 4, 10); the color association definition obtaining step or means is a step or means of obtaining a color association definition consisting pairs of the first and second color data which are equal in number to pairs of the mutually associated first and second color data (Fig.1; col. 4, lines 14-58), (claims 5, 11); the smoothing step is a step of performing a smoothing on a partial area on a color space or on a high density area on color space (col. 4, lines 27-44; col. 7, lines 56-61), (claims 6-7, 12-13); the profile producing apparatus comprises a handler (16) for designating an area to be subjected to the smoothing processing (col. 4, lines 27-44), (claim 14).

Concerning claim 15, Rozzi fails to directly teach a display section for displaying an area for which a smoothing processing is necessary. However, Rozzi teaches a computer system 10 (Fig.1) connected to the printer 14, printer model 16 and device profile 18 for generating a device profile. As a matter of well known in the prior art, any conventional computer system has a display section or a monitor. It would have been obvious to one skilled in the art at the time the invention was made to modify the computer system 10 having a display section for displaying an area for which a smoothing processing is necessary since Rozzi teaches that "Smoothing the table reduces the likelihood of discontinuities in printed color gradients." (col. 7, lines 56-61), thus only regions with discontinuities in printed color gradients are smoothed.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. ***

a. Kanamori et al (US Patent No. 4,929,978) discloses a color correction method utilizing correction table derived from printed color samples.

b. DeLean (US Patent No. 6,301,025) teaches a method for transforming a first image defined by a first color space (RGB) into second image defined by a second color space (CMYK).

c. Guay (US Patent Number 5,557,712) recites color map tables smoothing in a color computer graphics system.

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Madeleine AV Nguyen whose telephone number is 703 305-4860. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A Williams can be reached on 703 305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Madeleine AV Nguyen
Primary Examiner
Art Unit 2626

August 02, 2004